

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

D'JANGO HENDRIX	:	Case No. 1:17-cv-623
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
WARDEN, LEBANON	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

**ORDER GRANTING PETITIONER'S MOTION
TO REINSTATE HABEAS ACTION (Doc. 18)**

The matter is before the Court on petitioner's motion to reinstate this habeas corpus action (Doc. 18), which was administratively stayed and terminated on the Court's active docket in September 2018, while petitioner exhausted his state court remedies. (*See* Docs. 14, 15). Respondent opposes the motion on the ground that petitioner did not file it within thirty days after exhausting his state court remedies, as directed by the stay order. (Doc. 19).

It appears from the present record that petitioner has now exhausted all available state court remedies. Although petitioner did not file the motion to reinstate his case within thirty days after exhausting his state court remedies, petitioner provided the Court with an update during the stay and there appears to be no intentional delay on his part. Petitioner's motion for reinstatement of the petition (Doc. 18) is hereby **GRANTED**. The Order entered on September 5, 2018 administratively staying the action and

terminating the case on the Court's active docket (Doc. 15) is hereby **VACATED**.

It is **FURTHER ORDERED** that respondent shall file an answer conforming to the requirements of Rule 5 of the Rules Governing § 2254 Cases within sixty (60) days of the date of this Order.

IT IS SO ORDERED.

Date: 4/2/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge